

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Case No. 3:07-cr-0106-WKW
)	
DAVID RAY)	

ORDER

On January 8, 2008, the government filed a Notice of Information to Establish Prior Conviction (Doc. #94) pursuant to 21 U.S.C. § 851. Establishing a prior conviction is significant because if a person violates 21 U.S.C. § 841(a) “after a prior conviction for a felony drug offense has become final, such person shall be sentenced to a term of imprisonment which may not be less than 20 years.” The previous conviction that the government identified is Ray’s cocaine trafficking conviction in Cobb County, Georgia. (Doc. # 94.)

According to the plea agreement, the underlying conspiracy to distribute methamphetamine to which Ray has pled guilty existed from approximately August 2004 until October 2005. (Doc. # 104, at 6.) Ray was arrested or arraigned for his felony drug trafficking offense in Cobb County, Georgia on January 27, 2004. (Presentence Investigation Report, Revised April 3, 2008, at ¶ 31.) However, it was not until over two years later, on September 26, 2006, that his sentence was imposed, (*id.*), and even later before his conviction became final. *United States v. Williams*, 469 F.3d 963, 967 (11th Cir. 2006); *Hagins v. United States*, 267 F.3d 1202, 1208 (11th Cir. 2001).

Therefore, it is ORDERED that the parties be prepared to show cause why the defendant is “not subject to an increased sentence as a matter of law,” 21 U.S.C. § 851(d)(2), at the sentencing hearing scheduled for tomorrow.

DONE this 14th day of April, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE